

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ROBERT C. PROKOP,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-027618

SUPREME COURT OF APPEALS,

Defendant.

**ORDER**

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On September 20, 2016, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 3] (“PF&R”) and recommended that the court **DISMISS** the case because the court lacks subject-matter jurisdiction. On November 4, 2016, Judge Tinsley re-issued the PF&R because it was not sent to the petitioner’s current address. No party filed objections to the PF&R or sought an extension of time.

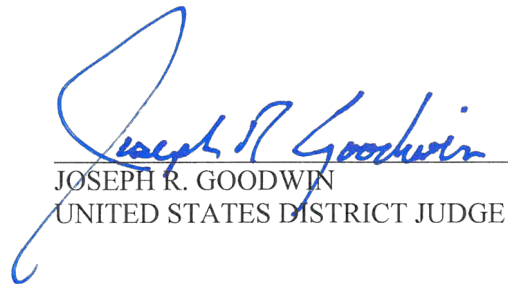
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court **ACCEPTS** and **INCORPORATES** herein the PF&R and **ORDERS** judgment consistent therewith. The court **DISMISSES** this action and **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 12, 2016



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE